

Appeal procedure: notes of guidance for candidates



Annex B

APPEAL PROCEDURE: NOTES OF GUIDANCE FOR CANDIDATES

1.0 Personal Details Required

1.1 When submitting an appeal please provide the following personal details:

- i. Name;
- ii. Candidate number;
- iii. Address for correspondence.

1.2 Failure to provide these details accurately (or not to inform the Examinations Department of any subsequent changes) may result in delays in processing your appeal.

1.3 A charge of £1000.00 is made which will only be refunded should the appeal be successful. If the appeal is either denied outright or at panel, the fee will **not** be refunded. The College respectfully asks all candidates to use this procedure only to raise legitimate concerns about Examinations or Assessments.

2.0 Grounds for Appeal

2.1 The following information regarding grounds for appeal will be required:

- i. The Examination result that you are appealing against (e.g. FRCOphth Parts I, II, Refraction Certificate or Certificate in Laser Refractive Surgery);
- ii. Date of the Examination or Assessment
- iii. Grounds for appeal (see Regulation 1.1)
- iv. Desired outcome of your appeal (see Regulation 1.3)
- v. Details of the **procedural irregularity** you consider affected your performance or the consideration of your results
- vi. Evidence to substantiate your claims.

2.2 Should any of these relevant details be missing in the submission of the appeal it is likely that your case will be dismissed at the preliminary stage. If necessary, you should at least provide an explanation for the absence of any evidence.

3.0 Points to consider in submitting an Appeal

3.1 The Appeal Procedure is intended to be an open and fair process. However, candidates must understand that it does have some restrictions and we ask you to pay close attention to the following information.

Appeal procedure: notes of guidance for candidates



- 3.2 The appeal is not a process for questioning academic or professional judgement.
- 3.3 The appeal is not a complaints procedure and only evidence that clearly demonstrates that circumstances affected your performance or the consideration and processing of your results will be considered.
- 3.4 Only borderline fail candidates who are within minus one standard error of measurement of the final pass mark and are appealing on procedural grounds, are permitted to submit an appeal requesting their examination result be amended from a fail to a pass.

The examination result cannot be amended from fail to pass following an appeal on any other grounds.

- 3.5 Candidates are advised that should an appeal be rejected there are no further opportunities to submit additional details. Please ensure that you include everything you wish to be considered as part of the appeal at the first instance.
- 3.6 There are many opportunities for you to make examiners, assessors and invigilators aware of any extraneous factors before or during an examination or assessment and before your results are considered.
- i. Candidates presenting for an Examination or Assessment are deemed to be fit and healthy to do so, under the Fit to Sit policy. If you are not well enough to give a fair reflection of your skills and knowledge in the examination, *you should not attempt it*. If you do still attempt the Examination or Assessment you should be aware that illness alone will not be regarded as grounds for a successful appeal.
 - ii. Candidates who become unwell during the course of an Examination or Assessment should notify the Head of the Examinations Department or Senior Invigilator immediately.
 - iii. If you have a special need at the time of the Examination or Assessment, please inform the Head of the Examinations Department, examiners, assessors or Senior Invigilator as they may be able to take these circumstances into account and prevent a problem arising.
 - iv. Should there be an irregularity in the conduct of the Examination or Assessment, please inform the Head of the Examination Department, examiners, assessors or Senior Invigilator so they may be able to take these circumstances into account and prevent a problem arising.
 - v. If at the end of an Examination or Assessment you consider there are circumstances that should be taken into account, please inform the

Appeal procedure: notes of guidance for candidates



Head of the Examinations Department (within three working days) in accordance with Regulation 1.5 of the Appeal Procedure Regulations.

3.7 Appeals under exceptional circumstances will be rejected on the grounds that insufficient effort was made to disclose these circumstances prior to or on the day of the examination, or that the claims were not backed up with substantive evidence. While the College cannot advise on how to go about making a case for appeal, we do advise you to discuss this matter with an advisory or representative body.

4.0 The Hearing

4.1 There is no absolute right to have a hearing as part of the appeal and the College will strike out any claim that, in its opinion, is outside the permitted grounds for appeal (see Regulation 1.1) at the preliminary stage.

4.2 Should a hearing be granted this will be the opportunity for you to state your case and respond to the Appeal Panel's questions. The hearing will not, however, provide the forum for explaining the appeal procedure to you. Any queries regarding the workings of the appeal should be put separately to the Head of the Examinations Department, who will act as Secretary to the Appeal Panel, in writing.

4.3 The Appeal Procedure is an internal administrative procedure and is not a legalistic procedure.

4.4 The College appreciates that it may not be practicable for some candidates, particularly those based overseas, to attend a hearing. In such circumstances the College may consider the use of suitable online video technology. Appeals may, however, be processed by correspondence alone and an Appeal Panel convened to consider any written statements submitted. Before dealing with any appeal by correspondence a candidate must confirm in writing that he/she will waive their right to a hearing. Candidates will be expected to pay all their own costs (travel etc) for attending any hearing.

4.5 Should you be invited to attend a hearing you may be accompanied by a friend, but your friend may not act as your advocate or take any part in the proceedings.

5.0 Decisions of the full Appeal Panel and College Council

5.1 The decision of the Appeal Panel is dependent on the outcome of the appeal requested by the candidate as detailed in Regulation 1.3. For outcomes requested under Regulations 1.3i and 1.3ii the Appeal Panel can agree or reject the appeal and the Appeal Panel's decision will be notified to the candidate by the Secretary to the Appeal Panel.

Appeal procedure: notes of guidance for candidates



- 5.2 For appeals requested under Regulation 1.3iii, the Appeal Panel can only ask the College Council to alter the initial result and in the event of an appeal being upheld by the Appeal Panel there is no guarantee that the College Council will change the original decision.
- 5.3 The authority to change any Examination result rests with the College Council alone. The Appeal Panel merely makes the decision that there is information in the appeal that warrants reconsideration.
- 6.0 Declaration**
- 6.1 In submitting an appeal, we would expect you to undertake that the details you provide are true and complete and that you would be prepared to answer further questions in relation to any claims you make.
- 6.2 All details will be treated in a confidential manner and disclosed only to those individuals involved in the appeal process or cited by you as persons who can substantiate your claims. We will seek your permission should we need to disclose details to any other individual or party as part of the consideration of your appeal.
- 6.3 Please note that the College regards the submission of any false details as part of an appeal to be an act of cheating (in seeking to gain unfair consideration or an unfair advantage) and in such cases, the matter would be subject to the College policy on Cheating and Misconduct (www.rcophth.ac.uk/examsadmission).

The email address for all correspondence is:

Dylan.costello@rcophth.ac.uk

Mr Garry Shuttleworth FRCOphth
Chairman of the Examinations Committee
Updated November 2021